

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8521 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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KIRTILAL VELCHANDBHAI SHETH

Versus

UNION OF INDIA

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Appearance:

MR YATIN SONI for Petitioners

MS PJ DAVAWALA for Respondents

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 19/08/1999

ORAL JUDGEMENT

Rule. Ms. Davawala waives service of rule on  
behalf of respondents.

The petitioners were running a S.T.D. and P.C.O.  
Booth as was permitted by the respondents. On the  
allegations that the petitioners were misusing this Booth  
for arranging conferences, which is not permissible under  
the Rules, and over charging customers, the S.T.D. and

P.C.O. Booth held by the petitioners was disconnected by the respondents. Mr. Soni has argued that the disconnection was ordered without any prior notice on the question of overcharging. Ms. Davawala submits that so far as the allegation of arranging conferences is concerned, the same was found to be proved but later on the same has been made permissible by the Department and, therefore, that controversy does not survive as the conference facility has become permissible. So far as the overcharging is concerned, whereas the order has been passed without notice to the petitioners, it is ordered that the respondents shall give a proper notice to the petitioners on the allegation of overcharging the customers and after hearing the petitioners, it will be open for the concerned authorities to pass fresh orders in accordance with law. This Special Civil Application is partly allowed, in the terms as aforesaid and Rule is also made absolute accordingly. No order as to costs.